

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kang Lim on 5/11/10.

The application has been amended as follows:

Claim 1 has been amended as follows:

1. (Currently Amended) A computer implemented, price optimization system for optimizing a preferred set of process for a subset of a plurality of products, comprising:

a rule editor configured to set a plurality of relaxable rules, wherein the plurality of relaxable rules is set utilizing rule parameters, wherein the rule editor utilized default values of the rule parameters, and further wherein the rule editor enables configuring of the rule parameters by a user;

a rule prioritizer configured to receive a prioritization of ~~prioritize~~ the plurality of relaxable rules, and for identifying at least one lower priority infeasible rule from the plurality of relaxable rules;

a rule relaxation module configured to incrementally relax any infeasible rule of the plurality of relaxable rules which has a lower priority than the at least one lower

priority infeasible rule, enabling the at least one lower priority infeasible rule to become feasible;

a database configured to store initial prices for a plurality of products;

a product designator configured to designate a subset of products of the plurality of products, wherein the number of products in the subset of products is less than the number of products in the plurality of products; and

an optimization engine configured to optimize prices for products in the subset of products, while maintaining the initial prices of all other products of the plurality of products and wherein the optimizing of prices complies with the relaxed any infeasible rule of the plurality of rules.

2. The following is an examiner's statement of reasons for allowance:

The claims are considered to be allowable over the prior art of record for the reasons set forth in the Board of Patent Appeals and Interferences decision dated 2/17/10.

With respect to the current amendment to claim 1, the amendment was done to take away any possibility that the claimed "rule prioritizer" could be interpreted to be a human being. To clarify this aspect of the claimed invention, an amendment was agreed upon with applicant's counsel to recite that the "rule prioritizer" is configured to receive the prioritization of the rules as opposed to actually prioritizing the rules itself, so that the "rule prioritizer" limitation cannot be interpreted to be a human being which

would raise a 35 USC 101 issue (cannot claim a human being in an apparatus/system type of claim). The specification as originally filed disclosed that a human being is the one that actually prioritizes the rules, the computer system merely receives the prioritization of the rules that a human being has decided upon.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dennis Ruhl/
Primary Examiner, Art Unit 3689